



County of San Diego

DEPARTMENT OF PARKS AND RECREATION

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NEGATIVE DECLARATION

September 14, 2011

Project Name: Lawrence and Barbara Daley Preserve Habitat Restoration Project

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

a. Initial Study and Checklist Form

I. California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

II. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

None

III. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant effects.

A. Biological Resources

1. Application of herbicides will be strictly controlled by using herbicides currently approved by the U.S. Environmental Protection Agency for use in riparian areas, and no herbicide will be applied to native vegetation. This includes any surfactants that are used during application.
2. All herbicide use conditions for mixing, application and clean-up will conform to all applicable federal, state and local regulations. The operator or qualified biologist shall be present and/or examine the site and mark with flagging any native vegetation to be trimmed. A small amount of native vegetation may only be selectively trimmed, not removed, to prevent overspray from reaching these branches.
3. Herbicide will be tinted with a biodegradable dye to facilitate visual control of spray.
4. Herbicide application will be accomplished by licensed contractors and will be conducted in a manner to minimize overspray of herbicide onto adjacent vegetation.
5. All mixing of herbicides and maintenance of equipment will occur only in designated staging areas outside of waters of the U.S. and State. These designated staging areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the U.S. and State. Fueling of equipment or other such activities will take place off site. Contractor equipment will be checked for leaks prior to operation and repaired as necessary.
6. No restoration activities with heavy equipment will occur during the designated breeding season for migratory bird species (March 15th to September 15th). This condition can be waived by the U.S. Fish and Wildlife Service and the California Department of Fish and Game if surveys described below determine that no active nests occur on site.
 - a. Within one week of commencement of enhancement or restoration activities, a qualified biologist shall conduct a migratory nesting bird survey. If the biologist finds any evidence of an active nest, the biologist shall (a) notify the County, and (b) ensure that no activities occur within 300 feet of an active nest.
7. All garbage and waste material generated by the work crew will be removed from the site. All food-related trash will be placed in sealed bins and removed from the site regularly.
8. Disposal or temporary placement of excess brush or other debris will occur in designated areas outside waters of the U.S. or State.
9. Pets of project personnel will not be allowed on the project site.
10. No ground disturbing work or herbicide applications will occur during rain events.
11. No alteration of the streambed, bank or channel will occur.
12. No bulldozers or other streambed altering equipment shall be used. Mowers and chainsaws may be used to reduce biomass.
13. Tractors used for mowing will have soft tires with minimal tread, and a wide wheel base to better distribute tractor weight and reduce soil disturbance. No mowing will occur within the creek channel.

14. No smoking will be allowed in the project area to prevent fires which would impact habitat and wildlife.
15. For the entire project site and immediate vicinity, project activities will be targeted to occur after local sunrise and before local sunset, and no artificial lighting, which may disturb wildlife, will be used.

B. Cultural Resources

1. A County-approved archaeological monitor will be on site during all ground disturbance activities to assure that work is diverted from known sensitive areas and that no impacts to historic or archaeological resources occur.
2. In the event that previously unknown archaeological resources are discovered by the archaeological monitor, work will stop immediately in that area and a Native American monitor will be contacted to aid in identification and evaluation of these resources. Any artifacts and associated records that may be discovered during monitoring shall be appropriately curated with an appropriate institution.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of the Department of Parks and Recreation

on _____(Date)

Megan Hamilton, Group Program Manager
Resource Management Division
Department of Parks and Recreation